

### REMARKS

Claims 7-11 are currently pending. Claims 7 and 8 are amended and the term "transparent" is replaced with "light transmitting". No new matter is added; support for this amendment can be found in the specification at page 17, table 2, which shows that the inventive compositions, when formulated into molded articles, had a **light transmittance** of 87.0% (Compound no. 2) and 86.2% (Compound no. 4) at 0 hours of weathering, and a **light transmittance** of 65.0% (Compound no. 2) and 65.2% (Compound no. 4) at 6300 hours of weathering. Thus, molded articles formed from the compositions of the invention are light transmitting, as would be readily apparent to one skilled in the art.

### Objections to the Specification

The specification is objected to for failing to provide antecedent basis for the claimed subject matter "transparent", and for introducing new matter by use of this term. Applicants assume that these rejections would properly fall under §112, first paragraph. In any event, Applicants have removed the offending term from the claims and replaced it with the term "light transmitting", which finds clear support in the specification, as noted above. Withdrawal of these objections/rejections is respectfully requested.

### Rejections under 35 U.S.C §103

Claims 7-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,783,307 (Fagerburg et al.), in view of U.S. Patent No. 4,129,412 (Gunther et al.), U.S. Patent No. 5,837,757 (Nodera et al.) and U.S. Patent No. 5,837,757 (Tanaka et al.). Applicants respectfully traverse this rejection.

Applicants note at the outset that Martini et al. is mentioned in the office action at page 4, line 6, but is not present in the statement of the rejection. Applicants assume for the purpose of this response that Martini et al. remains an applied reference, disclosing compounds of Formula 1. Additionally, Ueda et al., previously cited for disclosure of compounds of Formula 2, is not cited in the office action at all. There is no reference referred to in the instant office action that discloses compounds of Formula 2. It is unclear which references are applied and

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what aspect of each reference is combined with other references. Clarification of the §103 rejection is requested.

Fagerburg et al. is cited for the disclosure of optical brighteners in a UV-stabilized multi-layer structure. The multi-layer structure comprises a UV-protective layer having a UV-absorbing compound over a polymer layer of polyester, polycarbonate or acrylic. The purpose of the optical brightener in Fagerburg et al. as described at column 3, lines 31-33, is to render the UV-protective layer visible to the eye, so that one can determine on which side of the multi-layer structure the UV-protective layer is present. The optical brightener is not described as providing resistance to weathering or yellowing. The specific optical brighteners used in the present invention, compounds of Formula 1 or compounds of Formula 2, are not disclosed in Fagerburg et al.; there is only a generic disclosure of broad classes of compounds.

Applicants understand that Fagerburg et al. is cited for disclosure of polycarbonate compositions containing optical brighteners other than compounds of Formula 1 or 2, and Gunther et al. and Martini et al. are cited for the teaching of Applicants' claimed Formula 1 compounds in textiles (Gunther et al.) and polyamides/polyesters (Martini et al.). It is asserted that it would have been obvious to substitute the compounds of Gunther et al./Martini et al. in the compositions of Fagerburg et al., to provide optical brightness in poly(ester) carbonate compositions. Applicants are uncertain as to which reference is applied in the rejection of compounds of Formula 2 in polycarbonate compositions.

**Applicants respectfully request that the Examiner acknowledge the evidence of unexpected results.** A *prima facie* case of obviousness such as the one asserted in the first office action can be overcome with a showing of unexpected results. As set forth in the MPEP at 716.02(a), the presence of a property not possessed by the prior art is evidence of nonobviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963); *Ex parte Thumm*, 132 USPQ 66 (Bd. App. 1961).

Applicants again respectfully direct the Examiner's attention to the data provided in the specification at pages 17-18. Table 2 shows the results of weathering tests on molded specimens made from compositions of the present invention. Compound 4 is Hostalux® KCB, a compound of Formula 1. It is

compared to prior art compounds Hostalux<sup>®</sup> KSN (the compound shown in Nodera et al., Compound 3 in Table 2) and Uvitex<sup>®</sup> OB, another known optical brightener (Compound 1 in Table 2). As shown in Table 2, the molded article of the present invention provided superior weathering after 6300 hours, as compared to both prior art compounds, and in fact a 35% decrease in yellowness as compared to Hostalux<sup>®</sup> KSN is shown. In Table 3 on page 18 data on fluorescence of the articles after weathering is provided. The fluorescence of compound 4 can still be seen after 6300 hours of weathering, while the fluorescence of the prior art compounds cannot. Thus, the molded articles of the present invention maintain their optical brightness (and attractive appearance) even after long periods of time, while the prior art compounds do not. This result could not have been predicted, based on the teachings of the prior art. Applicants respectfully submit that the *prima facie* obviousness rejection of the first office action cannot be maintained in view of the unexpected results provided in the application, and that Claims 7-11 are not obvious in view of Fagerburg et al. as combined with Gunther et al. and Martini et al.

Again, Applicants respectfully direct the Examiner's attention to the data provided in the application at pages 17-18. A compound of Formula 2, Leukopur<sup>®</sup>, is shown as Compound No. 2 in Tables 2 and 3. Leukopur<sup>®</sup> provides a 25% improvement over Hostalux<sup>®</sup> KSN and continues to fluoresce at 6300 hours, while the prior art compounds do not. Thus, molded articles of the present invention using compounds of Formula 2 also maintain their optical brightness (and attractive appearance) even after long periods of time, while the prior art compounds do not. This result could not have been predicted, based on the teachings of the prior art.

The formulation of polycarbonate and polyester multilayer articles that are transparent in nature is said to be documented by Tanaka et al. However, Tanaka et al. do not disclose any of the specific optical brighteners used in the present invention. Therefore, this reference does not provide any missing teaching, and provides no more guidance on how to provide improved weathering in polycarbonate materials than any of the other cited references, none of which provide this.

Interestingly, the articles of Tanaka et al. are described as "transparent" when having a light transmittance of greater than 20%, whereas the use of this term in the

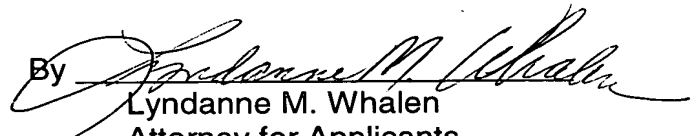
present invention was considered unacceptable in connection with light transmittance of greater than 65%. Applicants respectfully submit that the articles of the present invention are transparent, and would be so recognized by one skilled in the art. This point is moot in view of the amendment to Claims 7 and 8.

Applicants respectfully submit that the *prima facie* obviousness rejection of the second office action also cannot be maintained in view of the unexpected results provided in the application, and that Claims 7-11 are not obvious in view of Fagerburg et al. as combined with any cited reference (or any reference known to Applicants). Applicants respectfully request withdrawal of all §103 rejections.

### **SUMMARY**

Applicants respectfully submit that all outstanding issues have been addressed, and that Claims 7-11 are patentable over all references cited. Reconsideration of the rejections and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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